

**Congress of the United States**  
**Washington, DC 20515**

December 19, 2002

The Honorable Ann M. Veneman  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Secretary Veneman:

We write again to ask that USDA respond to our questions regarding safety problems at the ConAgra meat plant in Greeley, Colorado. Almost five months have passed since our initial letter seeking information related to this summer's massive beef recall, and over three months have passed since our followup letter reiterating our questions and raising new concerns related to the Department's incomplete response. USDA's failure to respond is particularly troubling because it has come to our attention that the Department has apparently failed to disclose to Congress important information about safety problems at the ConAgra plant. This omission had the effect of misleading Congress about the nature of food safety problems at the plant, and USDA's continuing failure to answer our questions perpetuates this misinformation.

As you know, we sent you a letter on July 26 requesting information about the outbreak of *E. coli* O157:H7 and the subsequent massive meat recall at ConAgra, and we received a reply on September 5 from Under Secretary for Food Safety Elsa A. Murano. As we pointed out in a second letter dated September 12, Dr. Murano's letter left many of our questions unanswered and raised new concerns.

Shortly after we sent our second letter, an article in the Denver Post revealed information from USDA that should have been disclosed to us in Dr. Murano's September 5 reply but was not. The Denver Post article states that ConAgra's Greeley facility was cited by USDA inspectors 31 times between July 1, 2001 and August 27, 2002 for contaminated meat. According to the article, over half of the violations were for allowing feces to contaminate beef carcasses.<sup>1</sup>

Our July 26 letter explicitly asked for information about such violations, requesting "copies of any correspondence in USDA's possession relating to the safety of meat produced by ConAgra Beef Company since January 2001." Despite our request, the Department's September 5 response did not mention these violations. Nor were the violations included in an attached timeline that, according to Dr. Murano, "provides an extensive account of FSIS' actions in relation to the recall" and "answers the specific questions raised" in our July 26 letter.

The attached timeline was entitled: "Chronology of FSIS Sampling and Actions in ConAgra (est. 969) and Galligan's Wholesale Meat Co. (est. 6475)." Consistent with our

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<sup>1</sup>*ConAgra Had List of Violations: Tainted Meat Found Dozens of Times at Greeley Facility*, Denver Post (Sept. 19, 2002).

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request, the chronology begins in January 2001 and ends in August 2002. Yet the 31 violations, which all occurred in this time period, were not included. Moreover, there was not even any indication in the timeline that FSIS had any other information or had taken any other actions related to food safety at the ConAgra plant.

Interestingly, while the timeline omitted the violations described in the Denver Post article, it did include information about negative sample test results taken months before the production of meat that was later recalled.

We are concerned about the omissions in the September 5 letter from Dr. Murano. Whether the omissions were intentional or inadvertent, they misled us about the extent of the Department's prior knowledge of contamination problems at the ConAgra facility. The September 5 response conveyed the impression that the contamination problems at the facility were limited to those that triggered the recall, when in fact the plant appears to have had extensive contamination problems that the Department knew about but did not reveal. While such misleading information should never have been given to Congress in the first place, our concerns are compounded by the Department's failure to correct its error in the months since the September 5 letter. We urge you to move swiftly to correct the erroneous impression conveyed by Dr. Murano's September 5 letter.

Public confidence in the safety of the food supply has been shaken by the ConAgra recall and the more recent recall involving Wampler Foods in Pennsylvania. To make matters worse, the Greeley plant, now owned by Swift & Co., had to be shut down last month after numerous citations for fecal contamination. To help restore public confidence, the Department of Agriculture needs to be forthcoming and prompt in response to congressional requests for information about its actions in these cases. We urge you to provide an immediate and complete response to the questions we raised in our July 26 and September 12 letters, including a full accounting of the violations disclosed by the Denver Post.

We also urge you to respond to the inquiry from House members sent on October 28 about food contamination at the Wampler Foods facility.

Sincerely,



Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform  
U.S. House of Representatives



Richard J. Durbin  
Chairman  
Subcommittee on Oversight of Government  
Management, Restructuring and the  
District of Columbia  
Governmental Affairs Committee  
U.S. Senate

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A handwritten signature in cursive script that reads "Marcy Kaptur".

Marcy Kaptur  
Ranking Minority Member  
Subcommittee on Agriculture, Rural  
Development, Food and Drug  
Administration, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives

A handwritten signature in cursive script that reads "Rosa L. DeLauro".

Rosa L. DeLauro  
Subcommittee on Agriculture, Rural  
Development, Food and Drug  
Administration, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives